

CITY OF FORT WAYNE, INDIANA  
JOURNAL OF THE PROCEEDINGS  
OF THE COMMON COUNCIL

BRADBURY <i>P</i>	BURNS <i>P</i>	GiaQUINTA <i>P</i>
HENRY <i>P</i>	LONG <i>P</i>	REDD <i>P</i>
SCHMIDT <i>P</i>	STIER <i>P</i>	TALARICO <i>P</i>

SESSION HAVING BEEN DELIVERED TO THE COUNCIL, WERE, ON MOTION,  
APPROVED AND PUBLISHED.

THE COUNCIL THEN ADJOURNED.

CERTIFICATE

I hereby certify that I am the duly elected, acting and incumbent City Clerk of Fort Wayne, Indiana and as such the custodian of the records of the Common Council of said City and that the above and foregoing is the true, full and complete record of the proceedings of the Common Council of the City of Fort Wayne, Indiana for its Regular Session, held on Tuesday the 22nd day of March, 1988, that the numbered ordinances and resolutions shown therein were duly adopted by said Common Council on said date and were presented by me to the Mayor of the City of Fort Wayne and were signed and approved or disapproved by said Mayor as and on the dates shown as to each such ordinance and resolution respectively; and that all such records, proceedings, ordinances, and resolutions remain on file and record in my office.

WITNESS my hand and the official seal of the City of Fort Wayne, Indiana, this 29th day of March, 1988,

SEK/ne  
SANDRA E. KENNEDY, CITY CLERK



## THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

4 March 1988

### COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the  
City of Fort Wayne  
City-County Building  
One Main Street  
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance No. G-06-80, amending Chapter 33 of the Municipal Code of the City of Fort Wayne, Indiana, 1946.) The proposed ordinance is designated as:

Bill No. Z-87-10-05

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this  
4th day of March 1988.

Robert Hutner  
Secretary



**FACT SHEET**

Z-87-10-05

BILL NUMBER

**Division of Community  
Development & Planning****BRIEF TITLE**

Zoning Ordinance Amendment  
From R-2 to B-1-B

**APPROVAL DEADLINE****REASON****DETAILS****Specific Location and/or Address**

2704 No Clinton Street

**Reason for Project**

Ladies Specialty Dress Shop

**Discussion (Including relationship to other Council actions)**19 October 1987 - Public Hearing

See Attached Minutes of Meeting

26 October 1987 - Business Meeting

Motion was made and seconded to return  
the ordinance to the Common Council with  
a DO NOT PASS recommendation. Motion  
carried.

Of the eight (8) members present seven (7)  
voted in favor of the motion one (1) did  
not vote.

**POSITIONS****RECOMMENDATIONS****Sponsor**

City Plan Commission

**Area Affected**

City Wide

Other Areas

**Applicants/  
Proponents**Applicant(s)  
Sharon Butler

City Department

Other

**Opponents****Groups or Individuals**Bill Hinga  
Debra & David Pontius**Basis of Opposition**

-add to heavy traffic in area  
-enough business zoning in  
area this request unnecessary

**Staff  
Recommendation**☐ For ☒ Against**Reason Against**

-approval would establish pre-  
cedent in area - would severe  
impact traffic in this area

**Board or  
Commission  
Recommendation****By**☐ For ☒ Against  
☐ No Action Taken☐ For with revisions to conditions  
(See Details column for conditions)**CITY COUNCIL  
ACTIONS  
(For Council  
use only)**

<input type="checkbox"/> Pass	<input type="checkbox"/> Other
<input type="checkbox"/> Pass (as amended)	<input type="checkbox"/> Hold
<input type="checkbox"/> Council Sub.	<input type="checkbox"/> Do not pass

# DETAILS

## POLICY/ PROGRAM IMPACT

Policy or  
Program  
Change

☐

No

☐

Yes

Operational  
Impact  
Assessment

(This space for further discussion)

Project Start

Date 2 September 1987

Projected Completion or Occupancy

Date 8 March 1988

Fact Sheet Prepared by

Date 8 March 1988

Patricia Biancaniello

Reviewed by

Date 3/11/88

Reference or Case Number



- a. Bill No. Z-87-10-05 - Change of Zone #304  
From R-2 to B-1-B  
2704 No Clinton Street

Ed Moppert, attorney representing Sharon Butler the owner of 2704 North Clinton Street appeared before the Commission. Mr. Moppert stated that Ms. Butler wants to open a "quality dress shop" in this structure. He stated that they feel this location is an ideal location for this use. He stated that Ms. Butler would never have more than one or two people visit the business a day. He stated that they have space for parking south of the building. He stated there is a separate drive into this property. He stated that this separate drive is to the south of a shared circle drive. He stated that it would not interfere with the circle traffic. He stated they would request limited signage, it would be attached to an awning extended from the front entrance and would say "The Final Touch". He stated that they would not change the outside of the residence in any detail. He stated that Ms. Butler lives there now and will continue to live there on the second floor. He stated that they have a B-1-B to the south which they use for tire storage. He stated they have an R-



2 on the north which is occupied by boys between 12 and 18 in a mental health group home. He stated that to allay fears they would be willing to record a restrictive covenant which can be acted upon by any lot owner in the subdivision, limiting the use to a dress shop and the appropriate ancillary uses. He stated that in addition to that Ms. Butler has agreed that is she or her heirs or assigns ever sells the property it will revert back to an R-2 use. He stated that this was an ideal buffer.

Steve Smith questioned if Mr. Moppert might pursue a Use Variance through the BZA.

Mr. Moppert stated that they would not be able to prove hardship.

Sharon Butler owner and petitioner stated that this structure will be her primary residence. She stated that she does have son and stated she soon will have step children and stated she was very interested in that neighborhood and maintaining the residential character of the area. She stated that she also intends to have a quality dress shop on the property. She stated a lot of her business will consist of her going to the career woman at her office. She stated that people will be coming to her home but it will not be a high volume operation.

Betty Kahlenbeck, 325 Grove Street, stated that North Clinton circle comes into my street. She stated she was about 4 houses from this property. She stated that she is the realtor that listed the house and when it sold it was R-2 and could have been used as a duplex. She stated that a lot of people looked at the house for a number of different reasons and she was very pleased that it was sold to someone like Ms. Butler who wants to do something quality with it. She stated it was a fraternity house and she found that a lot more objectionable than what Ms. Butler wants to do with the property. She stated that they already have a lot of commercial use in the area Tom Steele Tire Store sits right next to this property. She stated one resident works on cars while there is a Pod house that was recently built and is used for offices. She stated that what Sharon Butler is going to do will not change the complexion of the area.

The following people spoke in opposition to the rezoning request.

Bill Hinga, 2740 Eastbrook  
David Pontius, 2724 No Clinton Street  
Debra Pontius, 2724 No Clinton Street

The opposition stated that North Clinton is already a very busy



street and that anymore business will only add to the serious traffic problem. They did not feel that Ms. Butler could promise to contain her business to simply one or two customers. They felt that if the business caught on it would definitely draw more than one or two customers a day. There was also concern stated by David & Debra Pontius, who live in one of the 4 houses that are on the same circle drive as Ms. Butler house as to the safety of the children in this area. It was stated that they play in this circle drive and that business traffic could only cause a hazard. It was also felt that there were plenty of areas already zoned for business in the immediate area.

Mr. Moppert in rebuttal stated that they do not intend to change anything with respect to the exterior of the home. He stated that the circle drive that they refer to is difficult to get around and there would be no reason for people to use the circle as ingress or egress. He stated that they would use the separate drive on the south side of the home.

Janet Bradbury questioned if the private drive goes through from Clinton to Spy Run.

Mr. Moppert stated that the circle driveway goes from Clinton to Grove.

Sharon Butler stated that the driveway that runs to the south of her home also comes in where the circle drive comes in so that the drive is a double lane down by Clinton Street. She stated that she would bring them up the drive and there would be two maybe three parking spaces right there and they would exit out that way. She stated that they will not be able to get off of her parking lot and onto the circle drive. She stated that she intends to close the drive off. Ms. Butler stated that she has a 4, 7 and a 15 year old child and she is just as concerned about the children's safety in the area as everyone else is. She stated that the price of her clothes will prohibit just anyone from buying them.

There was no one else who wished to speak in favor of or in opposition to the proposed rezoning.

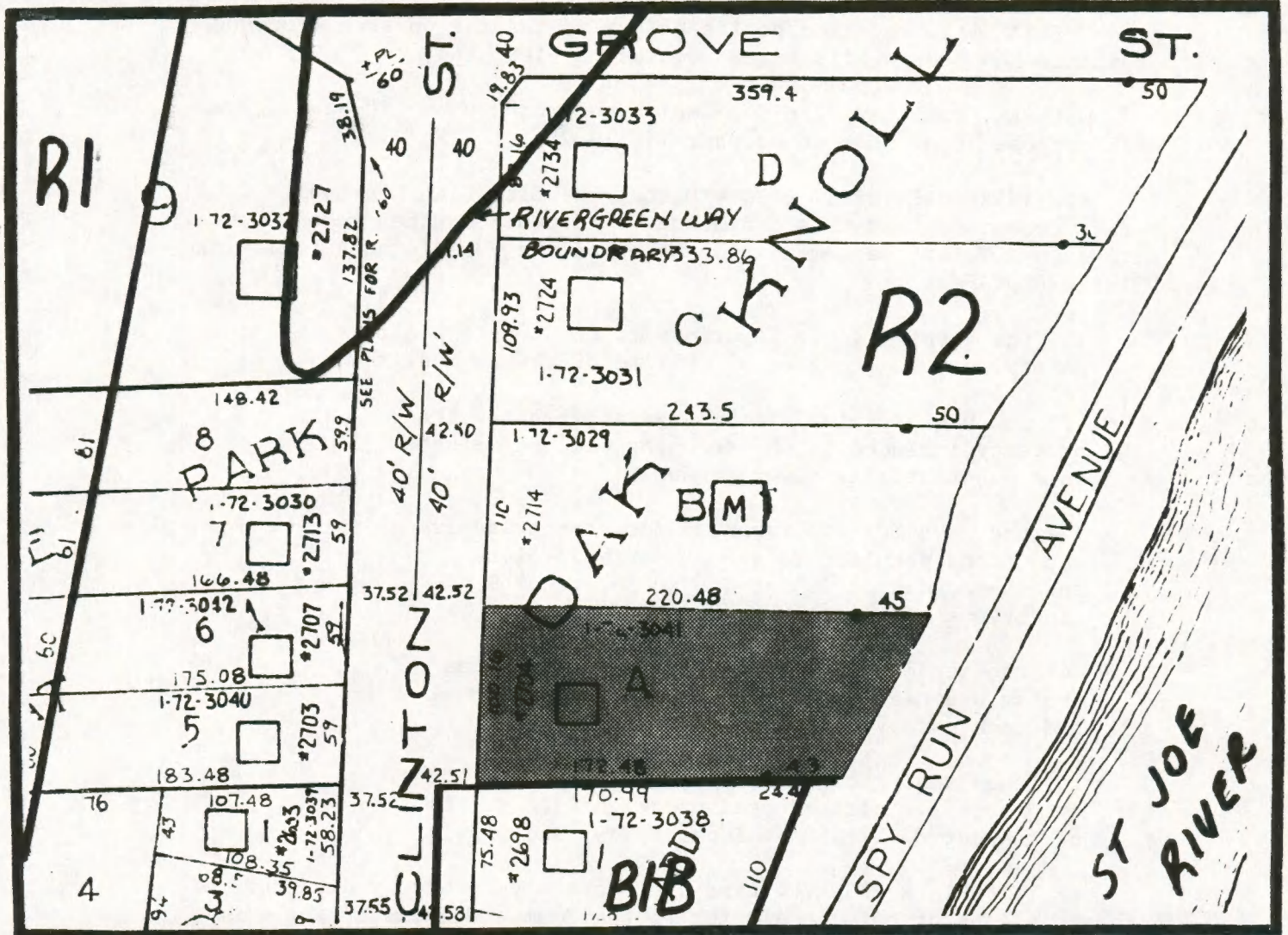


# REZONING PETITION # 304

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM AN R-2 DISTRICT TO A B-1-B DISTRICT.

MAP NO. M-18

COUNCILMANIC DISTRICT NO. 3



## ZONING:

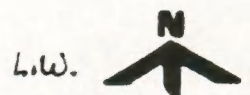
## LAND USE:

R1 RESIDENTIAL DISTRICT  
R2 RESIDENTIAL DISTRICT  
B1B LIMITED BUSINESS 'B'

☐ SINGLE FAMILY  
☒ MULTI-FAMILY

SCALE: 1" = 100'

DATE: 9-30-87





RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on October 13, 1987 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-87-10-05; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on October 19, 1987.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO NOT PASS recommendation based on the Commission's following "Findings of Fact".

(1) the grant will be injurious to the public health, safety, morals and general welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will be affected in a substantially adverse manner;

(3) the need for the rezoning does not arise from conditions peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;

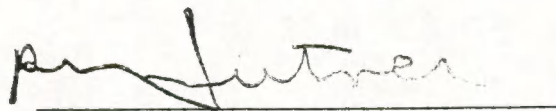
(4) the strict application of the terms of the zoning ordinance will not constitute an unusual and unnecessary hardship to this property;

(5) the grant interferes substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law; and,

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held October 26, 1987.

Certified and signed this  
4th day of March 1988.

  
Robert Hutner  
Secretary



Edward Moppert, attorney for Sharon Butler, requests a change of zone from R-2 to B-1-B.

Location: 2704 N. Clinton Street

Legal: See File

Land Area: Approximately 0.45 Acres

Zoning: R-2

Surroundings:	North	R-2	Residential (Group Home)
	South	B-1-B	Commercial
	East		River
	West	R-2	Residential

Reason for Request: Ladies specialty shop

Neighborhood Assoc.: North Triangle

Comprehensive Plan: The General Land Use Policies of the Comprehensive Plan state that rezoning and development proposals should be compatible with existing and planned land use and should not establish an undesirable precedent in the area to be developed. The Goal in the Middle Ring, where this request is located, is to maintain investments and prevent deterioration in existing neighborhoods. Further commercial encroachment will adversely impact the residential area to the north and east.

Neighborhood Plan: No Comment

Landscape: No Comment

Planning Staff Discussion:

This area is primarily residential, with one commercial use located to the south. The requested zoning classification would permit approximately 90 different uses, some of which could be detrimental to the area.

Our Historical Preservation staff has advised us that this area has been determined eligible for inclusion on the National Register of Historic Places, and that the applicant has discussed the site, and has agreed to retain the property's architectural integrity.

While we share their concerns regarding adaptive reuse of historical structures, we also share the concerns of over-all impact and precedent. At the current time this lot is part of a residential pocket that extends for approximately 3 blocks. Approval of the petition would lead to further commercial encroachment into residential areas, adversely impacting the quality of residential integrity, and property valuations. Approval would not be consistent with the current character and conditions of existing structures and uses.

This particular site is separated from North Clinton Street by a winding drive way that serves about four houses. These houses are not directly exposed to commercial uses, nor heavy traffic volumes. Approval would set the stage of bringing those uses and heavy traffic volumes into a rather sedate residential area nestled along a bustling corridor.

Finally, this site is within the defined River Greenway Overlay District, and any change of use must be approved by the Plan Commission, along with the site plan. The petitioners attorney has been advised of this. While the impact on the River Greenway may be minimal, the impact on logical growth, and proper planning practice isn't.

Recommendation:        Do Not Pass

- 1) Approval would lead to additional commercial encroachment into residential areas.
- 2) Approval will severely impact the immediate area due to the actual configuration of the parcels, and their non-exposure to commercial uses and traffic volumes.
- 3) There are adequate sites zoned commercially that are available in this sector of the city.
- 4) Approval will establish a precedent encouraging this residential pocket to seek rezonings detrimental to the area.





## THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

4 March 1988

### COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the  
City of Fort Wayne  
City-County Building  
One Main Street  
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance No. G-06-80, amending Chapter 33 of the Municipal Code of the City of Fort Wayne, Indiana, 1946). The proposed ordinance is designated as:

BILL NO. Z-88-02-20

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this  
4th day of March 1988.

Robert Hutner  
Secretary

**FACT SHEET**

Z-88-02-20

BILL NUMBER

**Division of Community  
Development & Planning****BRIEF TITLE****APPROVAL DEADLINE****REASON**

Zoning Ordinance Amendment  
From R-1 to POD

**DETAILS****Specific Location and/or Address**

1910 Getz Road

**Reason for Project**

Professional Office Development

**Discussion (Including relationship to other Council actions)**22 February 1988 - Public Hearing

See Attached Minutes of Meeting

29 February 1988 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation. Motion carried.

Of the eight (8) members present seven (7) voted in favor of the motion one (1) did not vote.

NOTE: Any conditions placed on a POD development are placed on the development plan and not the rezoning. No building permits will be issued until those conditions are met.

**POSITIONS****RECOMMENDATIONS****Sponsor**

City Plan Commission

**Area Affected**

City Wide

Other Areas

**Applicants/  
Proponents****Applicant(s)**

Constitution Hill Corp  
City Department

Other

**Opponents****Groups or Individuals**

Mrs. Eloise Cook

**Basis of Opposition**

-concern this would add  
traffic congestion - felt  
there were ample offices in  
area

**Staff  
Recommendation**☒ For ☐ Against

Reason Against

**Board or  
Commission  
Recommendation****By**☒ For ☐ Against  
☐ No Action Taken

☐ For with revisions to conditions  
(See Details column for conditions)

**CITY COUNCIL  
ACTIONS  
(For Council  
use only)**☐ Pass ☐ Other☐ Pass (as amended) ☐ Hold☐ Council Sub. ☐ Do not pass



**DETAILS**

**POLICY/ PROGRAM IMPACT**

Policy or  
Program  
Change

☐

No

☐

Yes

Operational  
Impact  
Assessment

(This space for further discussion)

**Project Start**

**Date** 22 January 1988

**Projected Completion or Occupancy**

**Date** 8 March 1988

**Fact Sheet Prepared by**

**Date** 8 March 1988

Patricia Biancaniello

**Reviewed by**

**Date**

2/11/88

**Reference or Case Number**

- c. Change of Zone #325  
From R-1 to POD  
1910 Getz Road

- d. Primary Development Plan for Constitution Hill

Gary Cappelli, attorney for the petitioner Constitution Hill Corporation, appeared before the Commission. Mr. Cappelli stated that this property consists of approximately 3.8 acres of land located on the Southwest corner of Constitution Drive and Getz Road. He stated that the property is currently occupied by a single family dwelling. He stated that Constitution Hill Corporation also owns 17 acres, more or less, of property zoned B-1-B that is currently the construction site for approximately 52 office condo units. He stated that the property is located to the west of this site, it runs along Constitution Drive Extended. He stated the site in question has about 223 foot frontage along Getz Road and extends west along Constitution Drive approximately 740 feet. He stated that Constitution Drive is not a dedicated street. He stated that this if this rezoning is approved it would be the recommendation of Constitution Hill Corporation and the Downing Corporation that Constitution Drive be dedicated from along the portion that extends from Getz Road to Magnavox Way. He stated that they have a more recent document that agrees to dedicate all the way back to the new Constitution Hill Section I,



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consisting of the 17 acres. Constitution Hill Corporation is the legal entity that would cause the dedication of this easement for public purposes, in fact Downing Corporation upon the request of Constitution Hill Corporation has a legal obligation to join in that dedication. He stated as a practical matter this portion of Constitution Drive (from Getz Road to intersection with Magnavox Way) has been for years maintained by the City of Fort Wayne as part of the maintenance of Magnavox Way. He stated whether Constitution Drive is dedicated or not Constitution Corporation has legal rights of ingress and egress to Constitution Drive. He stated that the Comprehensive Plan for this area indicates that this particular property, including property that surrounds Magnavox Way and all of Getz Road from Constitution Drive North to Illinois Road is suitable for commercial development. He stated however it has been the Commission's attitude in the past as it relates to prior commercial rezoning requests for this area, have seen fit to not follow the Master Plan and have denied several commercial rezoning requests. He stated that they propose not a commercial development, but a professional office district development. He stated that they felt it would blend well with the existing development of offices along Magnavox Way as well as would serve as a buffer to the surrounding residential. He stated that the POD zoning has a very restricted use allowance, in so far as dealing primarily with professional offices and not just general commercial offices. He stated that one exception might be a bank or some type of financial institution.

He stated for purposes of explanation of the development plan that they envision four separate offices totalling approximately 27,000 sq ft, the largest of which would not exceed 8200 sq ft the smallest would not be less than 5200 sq ft. He stated that they have proposed two access points along Constitution Drive. He stated that they need to satisfy the Commission that the two access points are realistic in light of the entire development. He stated that the Plan Commission's staff recommendation is against two access points. He stated that since the issuance of the recommendation they have gotten back with staff and they believe that they have now satisfied staff's concerns about those two access points. He stated that they have done some things to accommodate staff's concerns. He stated they have extended the green area, the landscaping area away from the entry point so as to allow stacking of cars within the development itself as opposed to having an access point not allowing stacking. He stated that they have also changed their entries and the circulation throughout the parking lot to provide a main entry and then extending the green area and the landscaping deep into

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22 February 1988

the parking lot, to again avoid and eliminate the concerns of staff to the prospect of non-stacking ability within the development. He stated that they believe the circulation patterns are such that they would correspond to staff's current feelings. He stated they hoped that between the public hearing and the business session they could work out the details with staff so that they would alter their recommendation in regard to the number of access points. He stated that there are also practical problems that have caused them to seek the two access points. For instance staff's recommendation is that the initial access point be set back 300 feet from Getz Road. He stated that as shown on the development plan it would be a setback of 280 feet from Getz Road. He stated that there is a GTE switching box in the area and makes it almost impossible to set back the entry 300 feet. He stated if they went back further than 300 feet it would eliminate the usefulness of the sight as a banking facility or a credit union facility. It would eliminate the ability to use it as a drive up facility. He stated that having one entry to cover a whole 740 some feet would not be practical. He stated that staff has also recommended that not only the buildings set back more than 60 feet, which it does, it sets back more than 100 feet, the proposed building, but staff it also proposes that the parking lot indeed setback 60 feet. He stated that the purpose as he understood it, was to provide as much setback to maintain the integrity of the residential area to the south and to the north. He stated as an alternative proposal, because the setback of the parking really materially effects their ability to use the site as proposed, it would eliminate necessary parking, they have suggested to staff that they take the front area and recess it. He stated they would recess it approximately 2 1/2 feet below the existing grade and in addition to that elevate the area in front of the parking an additional 2 1/2 feet and landscape it. He stated that this effect would render invisible automobiles parked in the area from traffic along Getz Road and from the residences on the east side of Getz Road.

Mel Smith questioned the compatibility of the 4 structures with the surrounding area.

Mr. Cappelli stated that Architectural Concepts are doing the design on the buildings and they will be built with materials that will be more of an intervening use with the residential area.

Janet Bradbury questioned if there was city water and sewer.

Mr. Cappelli stated that there is city water and sewer. He



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stated that Flaugh Ditch is to the west about 200 feet. He stated that it is a major arterial drain, it is a legal drain, and they have a utility and drainage easement extending 10 feet in width, extending all the way back to the Flaugh Ditch and therefore in terms of drainage they have adequate easement and rights of way to extend any type of receptacle that may be necessary to get the drainage back to Flaugh Ditch.

Janet Bradbury questioned if they did intend to dedicate Constitution Drive and if so did this easement have curbs and sidewalks.

Mr. Cappelli stated that it has curbs but it does not have sidewalks.

Mark Gensic asked Mr. Cappelli to explain the drainage scheme.

Mr. Cappelli stated that as he understood it everything falls to Flaugh Ditch along this area. He stated that they do not believe anything other than just surface drainage would be necessary to accommodate the freefall of storm drainage to this area. He stated that the area is rather low and beyond a certain point is not suitable for any type of development. He stated that the whole area along Constitution Drive on both sides of it has been recontoured. He stated part of the area along both sides of the road has been built up in order to landscape.

Mr. Gensic questioned who owned the land directly to the west of this development.

Mr. Cappelli stated it was owned by Downing of Fort Wayne Inc. He stated that they have a surface and storm drainage easement from the owners over their property. Mr. Cappelli stated there is a 10 foot utility easement and then another 10 foot utility and drainage easement. He stated they have contractually obligated Downing of Fort Wayne Inc to join in the dedication of the additional 10 feet.

Mark Gensic asked if the engineers for the project were currently preparing plans for the drainage.

Mr. Cappelli stated he did not think that had been done. He stated that the reason is that it is so obvious that there are no drainage problems, having spent all of the money that they have on reconstructing the Flaugh Ditch in that area. He stated they felt a free fall drain would be adequate in the area. He stated that they will put some plans together and submit them to staff



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before the business session.

Roy McNett, President of Architectural Concepts appeared before the Commission. Mr. McNett stated that along Magnavox Way there are some beautiful buildings. He stated that the purpose of doing the buildings in this number is to keep a low profile, to keep them homogeneous from residential to commercial aspect. He stated he felt they could accomplish that effect.

John Shoaff stated that there was a letter in opposition to the requested rezoning and primary development plan from a Mrs. Eloise Cook. He stated that Mrs. Cook stated that she was concerned about traffic congestion, and felt there was already adequate office space in this area.

There was no one else present who wished to in favor of or in opposition to the proposed rezoning and the primary development plan.

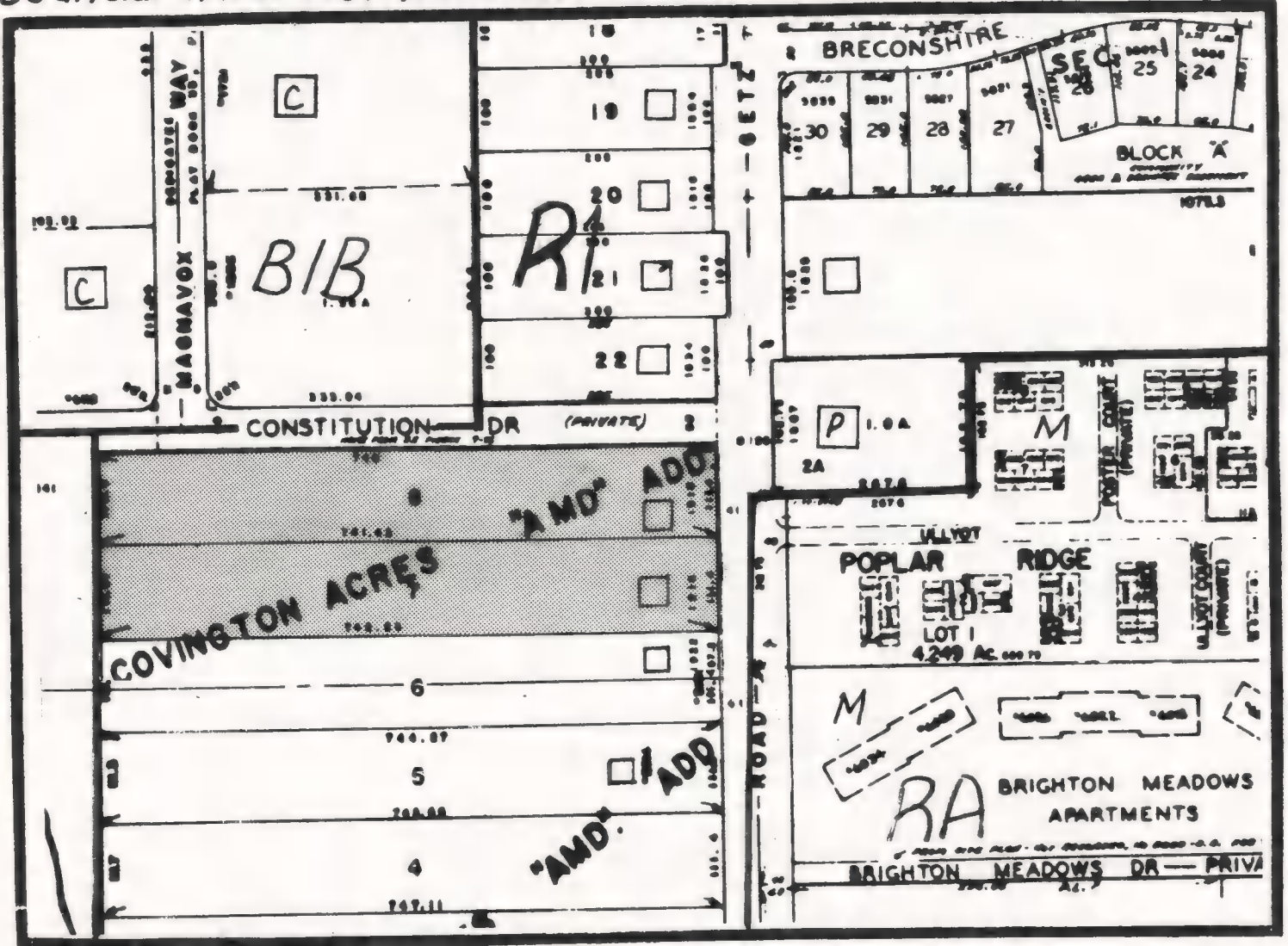
ADJOURNMENT:

# REZONING PETITION #325

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM A R1 DISTRICT TO A P.O.D. DISTRICT.

MAP NO. D-2

COUNCILMANIC DISTRICT NO. 4



## ZONING:

R1 RESIDENTIAL DISTRICT  
RA RESIDENCE 'A'  
BIB LIMITED BUSINESS 'B'

## LAND USE:

- ☐ SINGLE FAMILY
- ☒ MULTI-FAMILY
- ☐ COMMERCIAL
- ☐ PUBLIC CHURCH

SCALE: 1" = 200'

DATE: 2-3-88



RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on February 23, 1988 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated Bill No. Z-88-02-20; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on February 22, 1988.


NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact":

- (1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;
- (2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;
- (3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- (4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,
- (5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held February 29, 1988.

Certified and signed this  
4th day of March 1988.



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Robert Hutner  
Secretary



Gary Cappelli, attorney for Constitution Hill Corp., requests a change of zone from R-1 to P.O.D.

Location: 1910 Getz Road

Legal: See File

Land Area: Approximately 3.8 Acres

Zoning: R-1

Surroundings:	North	R-1/B-1-B	Residential & Office
	South	R-1	Residential
	East	RA/R-1	Residential
	West	R-3/B-1-B	Residential & Office

Reason for Request: A Professional Office District

Neighborhood Assoc.: None

Neighborhood Plan: No comment

Landscape: No comment

Comprehensive Plan: The General Land Use Policies of the Comprehensive Plan state that rezoning and development proposals should be compatible with existing and planned land uses and should not establish an undesirable precedent in the area to be developed. The Goal in the West Sector, where this request is located, is to contain urban growth within the urban service line.

Planning Staff Discussion:

We are very concerned with the potential of commercial encroachment along the Getz Road corridor. Land Uses in this area have been typically residential.

The area to the north and west does include commercial land uses, and this site could serve as a buffer to the residential uses along the Getz Road corridor. However, allowing this development will generate additional traffic onto that corridor, and lead to similar requests.

This petition has merits both for and against its approval. The Plan Commission needs to re-evaluate its policy for this area to effectively address this petition. Previously the Commission has held to the retention of the Getz Road corridor for residential uses, as evidenced by the denial of various requests.

Our evaluation, after considerable deliberation, is to recommend approval. The precedent of existing office uses ( to the west ), has been established, and the increases in traffic volumes along Getz Road has already impacted the potential for single family residential use. Approval will allow this site to serve as a transition zone from residential to office uses, and should help in the conservation of property values.

Recommendation:        Do Pass

- 1) This site can be a valued buffer to the residential uses along the Getz Road corridor.
- 2) The location of this parcel in relationship to existing office uses allows it to be the break point separating residential from the more intense office uses.
- 3) Approval will allow the logical maximum expansion of non-residential classifications in this area at this time.



## THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

4 March 1988

### COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the  
City of Fort Wayne  
City-County Building  
One Main Street  
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance No. G-06-80, amending Chapter 33 of the Municipal Code of the City of Fort Wayne, Indiana, 1946.) The proposed ordinance is designated as:

Bill No. Z-88-02-21

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this  
4th day of March 1988.

Robert Hutner  
Secretary



**FACT SHEET**

Z-88-02-21

BILL NUMBER

**Division of Community  
Development & Planning****BRIEF TITLE****APPROVAL DEADLINE****REASON**

Zoning Ordinance Amendment  
From R-2 to R-3

**DETAILS****Specific Location and/or Address**

1314 Rockhill Street

**Reason for Project**

Convert Duplex into a tri-plex.

**Discussion (Including relationship to other Council actions)**22 February 1988 - Public Hearing

See Attached Minutes of Meeting

29 February 1988 - Business Meeting

Motion was made and seconded to return  
the ordinance to the Common Council with  
a DO NOT PASS recommendation. Motion  
carried.

Of the eight (8) members present seven (7)  
voted in favor of denial one (1) did not  
vote.

**POSITIONS****RECOMMENDATIONS****Sponsor**

City Plan Commission

**Area Affected**

City Wide

Other Areas

**Applicants/  
Proponents****Applicant(s)**

Jeffery Parrot  
City Department

Other

**Opponents****Groups or Individuals**

West Central Neigh Assn  
Carol Salge, Pres

**Basis of Opposition**

-area is predominatly single  
family this rezoning would  
not be in keeping with the  
preservation of the neigh-  
borhood

**Staff  
Recommendation**

☐ For ☒ Against

**Reason Against**

-could cause adverse impact in  
area - would substantially  
deviate from uses in area

**Board or  
Commission  
Recommendation****By**

☐ For ☒ Against  
☐ No Action Taken

☐ For with revisions to conditions  
(See Details column for conditions)

**CITY COUNCIL  
ACTIONS  
(For Council  
use only)**

☐ Pass ☐ Other  
☐ Pass (as  
amended) ☐ Hold  
☐ Council Sub. ☐ Do not pass

**DETAILS**

**POLICY/ PROGRAM IMPACT**

Policy or  
Program  
Change

☐

No

☐

Yes

Operational  
Impact  
Assessment

(This space for further discussion)

**Project Start**

**Date** 20 January 1988

**Projected Completion or Occupancy**

**Date** 8 March 1988

**Fact Sheet Prepared by**  
Patricia Biancaniello

**Date** 8 March 1988

**Reviewed by**

*Doug Bacht*

**Date**

*2/11/88*

**Reference or Case Number**

- a. Change of Zone # 326  
From R-2 to R-3  
1314 Rockhill Street

Jeff Parrot, owner and petitioner appeared before the Commission. Mr. Parrot stated that when he purchased the property he was given the impression that the property was zoned R-3. He presented the Commission with a letter from the real estate agent stating that it was listed as an R-3 when he purchased the property. He stated that the house is currently setup as a duplex and it is an economic hardship on him. He stated that he felt there was a need for housing in the West Central area.

Mel Smith questioned if Mr. Parrot lived at the address.

Mr. Parrot stated he did not.

Mel Smith questioned how many units he wanted to convert the structure to.

He stated that he wanted to make the structure a triplex. He stated it is currently being rented as a duplex.

Mel Smith questioned if there was adequate parking in the area.

Mr. Parrot stated that he had two parking spaces in the rear of the property.

Janet Bradbury questioned the staff attorney what bearing the letter would have simply because a real estate agent said it was R-3. She stated she was not sure if that carries any weight or should have any affect on this case.

David Wright, Plan Commission attorney, stated it did not have any bearing in his opinion.

Mr. Parrot stated that before he had realized it was an R-2 he had already purchased the material to convert the building into a triplex.

John Shoaff read an excerpt from the letter written by the real estate agent who had sold Mr. Parrot the property. He stated that a Mrs. Heathman wrote, "It was my understanding the property was zoned R-3 and this is the information I gave Mr. Parrot on two different occasions."

Yvonne Stam questioned Mr. Parrot if he had made a written offer for the property and specify in writing that the property should be R-3.

Mr. Parrot stated he was not sure he understood.

Mrs. Stam questioned that when he bought the material did he do it before he closed on the property.



Minutes  
22 February 1988

Mr. Parrot stated he did not.

Mrs. Stam questioned Mr. Parrot if he obtained title insurance.

Mr. Parrot stated he believed so.

Mrs. Stam stated that the correct zoning should have appeared on the title insurance. She stated that she agreed with Councilwoman Bradbury that Mr. Parrot had the opportunity to find out what the true zoning was, and felt it was not the Commission's job to correct an error that Mr. Parrot made.

Angie Derheimer questioned if the staff would elaborate on the downzoning process that took place in the area.

Gary Baeten, Senior Planner with CD&P stated that the downzoning took place in 1980. He stated that this property was a part of a much larger area that was downzoned from R-3 to R-2 by the West Central Neighborhood Association. Mr. Baeten also stated that the parking requirements for multi-family use is 1 1/2 spaces per unit. He stated that if zoned for use as a triplex it would require 5 off street parking spaces.

John Shoaff introduced two letters of opposition into the record. He stated one of the letters had a petition with several signatures of area residents attached.

Carol Salge, President of the West Central Neighborhood Association appeared before the Commission. Ms. Salge stated that the residents feel very strongly that this petition be denied. She stated that this area of West Central is predominantly single family with a few duplexes. She stated that this area contains only a few multi-family residences all of which were existing before the 1980 downzoning. She stated that the purpose of the downzoning was to increase property values and improve the appearance of the neighborhood and to stabilize the growing number of multi-family rental units being established in the neighborhood. She stated that they felt granting this petition would open the floodgate for more rezoning petitions for multi-family use, which would defeat the purpose of the downzoning.

In rebuttal, Mr. Parrot stated that he did not feel that what he intended to do would decrease the property values. He stated that by upgrading the house it would increase the property value.

There was no one else present who wished to speak in favor of or in opposition to the proposed rezoning.

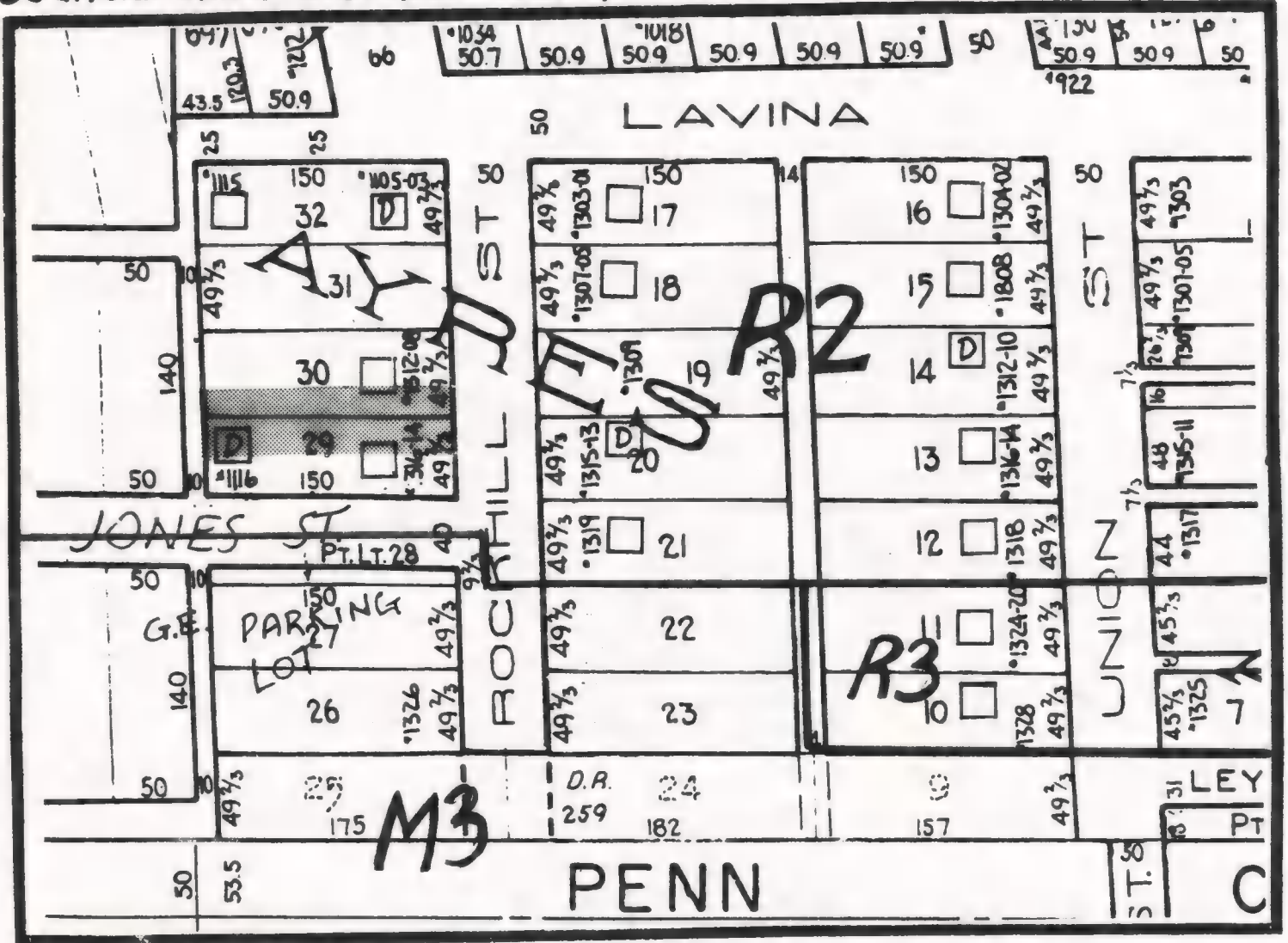
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# REZONING PETITION #3046

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM AN R2 DISTRICT TO AN R3 DISTRICT.

MAP NO. L-2

COUNCILMANIC DISTRICT NO. 4



## ZONING:

R2 RESIDENTIAL DISTRICT  
R3 RESIDENTIAL DISTRICT  
M3 HEAVY INDUSTRY

## LAND USE:

☐ SINGLE FAMILY  
☒ DUPLEX

SCALE: 1"=100'

DATE: 2-3-88



RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on February 23, 1988 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-88-02-21; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on February 22, 1988.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO NOT PASS recommendation based on the Commission's following "Findings of Fact".

(1) the grant will be injurious to the public health, safety, morals and general welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will be affected in a substantially adverse manner;

(3) the need for the rezoning does not arise from conditions peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;

(4) the strict application of the terms of the zoning ordinance will not constitute an unusual and unnecessary hardship to this property;

(5) the grant interferes substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law; and,

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held February 29, 1988.

Certified and signed this  
4th day of March 1988.



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Robert Hutner  
Secretary



Jeffrey S. Parrot requests a change of zone from R-2 to R-3.

Location: 1314 Rockhill Street

Legal: See file

Land Area: Approximately 5800 Square Feet

Zoning: R-2

Surroundings:	North	R-2	Residential
	South	R-2	Residential
	East	R-2	Residential
	West	R-2/M-3	Residential & Parking

Reason for Request: Rental Units

Neighborhood Assoc.: West Central

Neighborhood Plan: This location is within the area identified in the West Central Neighborhood Plan. The plan's relevant land use recommendation is to "maintain existing concentrations of low and moderate density residential areas." The plan states that the area was downzoned from R-3 to R-2 in 1980. Approval would be inconsistent with the West Central Plan.

Historic Preservation  
Review:

The subject property is situated in the West End National Register Historic District and is classified as one which contributes to the character, integrity, association, and feeling of the district. It does not fall within the boundaries of the West Central Local Historic District which is protected under local ordinance. Federal regulations governing properties and districts on the National Register do not control the zoning or land use of said property.

In staff's opinion, the proposed rezoning will have no adverse effect on the architectural or historical significance of the subject property or the character of the West End Historic District.

Landscape: No comment

Comprehensive Plan: The General Land Use Policies of the Comprehensive Plan state that rezoning and development proposals should be compatible

with existing and planned land uses and should not establish an undesirable precedent in the area to be developed. The Goals in the Central Area, where this request is located, are; 1) to maintain existing development; 2) to halt deterioration and 3) to encourage reinvestment. Expansion of more intense residential uses in this area sets a poor precedent for the neighborhood and should be denied.

#### Planning Staff Discussion:

The immediate area is zoned R-2, with a few scattered duplexes located nearby. The criteria of evaluating the petition against the character of the existing structures and uses in the immediate area, the preservation of property values, and the highest and best use of the property, would lead us to a recommendation of denial.

Records show that there was a general downzoning of this area in 1980. The intent of the area residents, and neighborhood plan was to maintain the existing density. Denial will comply with that concern, and will also help prevent deterioration of the existing housing stock, and encourage reinvestment.

As the nearest R-3 zoning is located at least a block away, and there does not appear to be any unusual circumstances that would cause an exception to established practices, we see no reason to deviate from that recommendation.

Recommendation:        Do Not Pass

1) The existing character of the immediate area is such that only single and duplex residential uses are supported. This coupled with the downzoning in 1980 leads us to believe that approval is not justified.

2) Approval would substantially deviate from the current uses in the immediate area.

3) Approval could lead to a potential adverse impact on the immediate surroundings, and eventual deterioration of the area.



## THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

4 March 1988

### COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the  
City of Fort Wayne  
City-County Building  
One Main Street  
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the vacation of a dedicated alley.

The proposed ordinance is designated as:

BILL NO. G-88-02-23

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this  
4th day of March 1988.

---

Robert Hutner  
Secretary



# FACT SHEET

G-88-02-23

## Division of Community Development & Planning

BILL NUMBER

BRIEF TITLE

APPROVAL DEADLINE

REASON

Alley Vacation Ordinance

### DETAILS

#### Specific Location and/or Address

North off of the 2900 Block of Jefferds,  
between Edsall Av and the vacated Fairfiew  
Avenue.

#### Reason for Project

Incorporate alley into Omni Source's  
recycling operation.

#### Discussion (Including relationship to other Council actions)

22 February 1988 - Public Hearing

Barry Pass, Vice-President with Omni Source Corporation, the petitioner, stated that they own all of the property adjacent to the alley. He stated that there are no utilities in the alley but that they are willing to grant whatever easements that would be required.

Mel Smith questioned what they would use the vacated alley for.

Mr. Pass stated that all of the property in the area is M-3 zoned and this alley is already incorporated in the scrap recycling operation that is presently located there. He stated that the alley used to extend from Jefferds Avenue all the way to the N&W railroad tracks. He stated that the northern portion of the alley had been vacated some years ago and since Omni Source has now acquired all of the adjacent property it serves no purpose to exist as an alley.

There was no one else present who wished to speak in favor of or in opposition to the proposed vacation.

### POSITIONS

### RECOMMENDATIONS

#### Sponsor

City Plan Commission

#### Area Affected

City Wide

Other Areas

#### Applicants/ Proponents

#### Applicant(s)

Omni Source Corporation  
City Department

Other

#### Opponents

#### Groups or Individuals

Basis of Opposition

#### Staff Recommendation

☒ For ☐ Against

Reason Against

#### Board or Commission Recommendation

#### By

☒ For ☐ Against  
☐ No Action Taken

☐ For with revisions to conditions  
(See Details column for conditions)

#### CITY COUNCIL ACTIONS (For Council use only)

☐ Pass ☐ Other  
☐ Pass (as amended) ☐ Hold  
☐ Council Sub. ☐ Do not pass

**DETAILS**

29 February 1988 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation. Motion carried.

Of the eight (8) members present seven (7) voted in favor of the motion, one (1) did not vote.

**POLICY/ PROGRAM IMPACT**

Policy or  
Program  
Change

☐

No

☐

Yes

Operational  
Impact  
Assessment

(This space for further discussion)

**Project Start**

**Date** 30 December 1987

**Projected Completion or Occupancy**

**Date** 8 March 1988

**Fact Sheet Prepared by**

Patricia Biancaniello

**Date** 8 March 1988

**Reviewed by**

*Lucy Barts*

**Date**

3/1/88

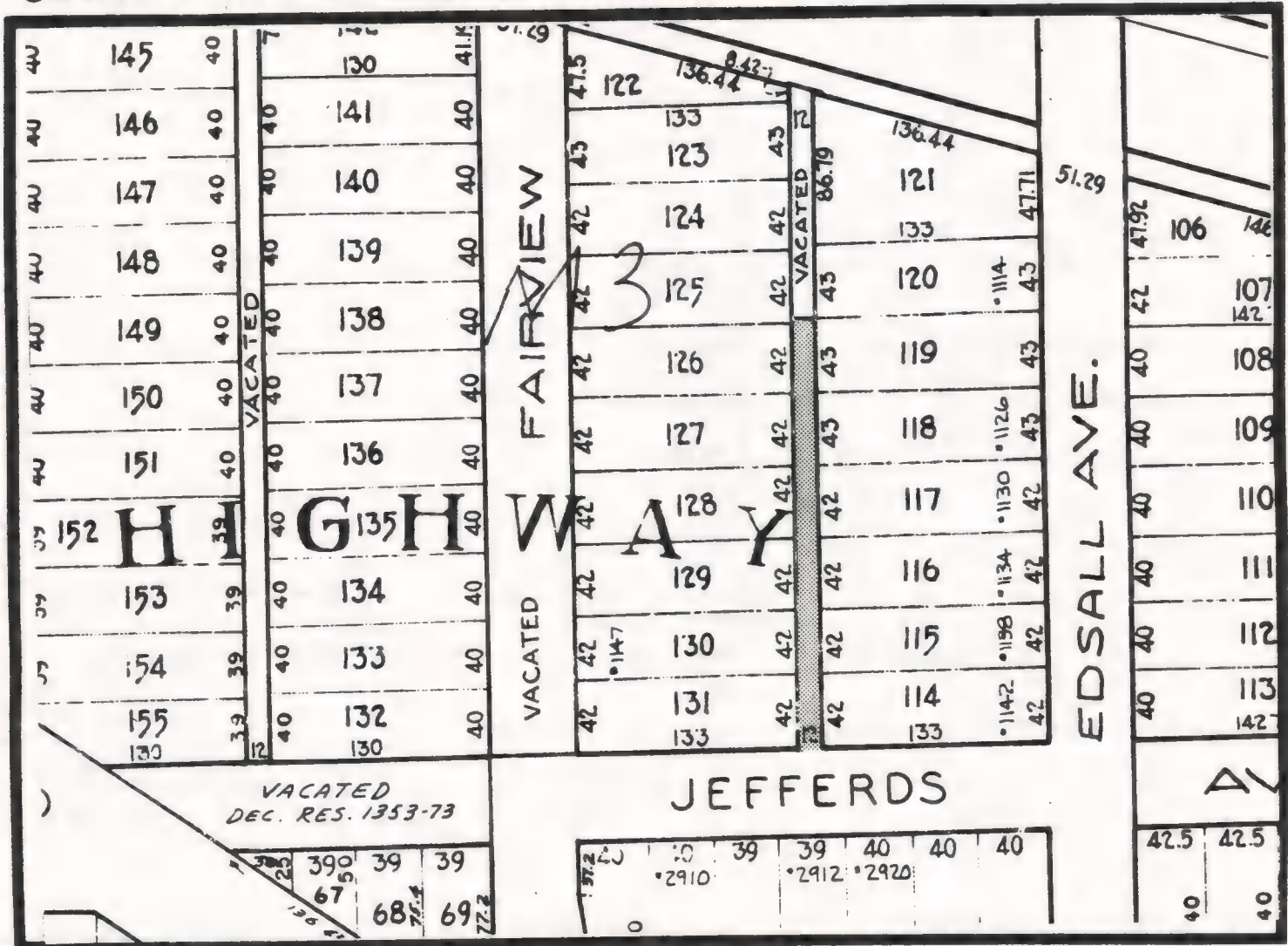
**Reference or Case Number**

# VACATION PETITION #327

## A PETITION TO VACATE THE DESCRIBED PUBLIC ALLEY.

MAP NO. Q-6

COUNCILMANIC DISTRICT NO. 1



**ZONING:**

M3 HEAVY INDUSTRY

**LAND USE:**

**SCALE:** 1"=100'

**DATE:** 2-3-88





Omnisource Corp., requests the vacation of a portion of an alley.

Location: North off of Jefferds Ave (2900), between Edsall Ave., and the vacated Fairview Ave.

Legal: See file

Land Area: 3,048 Square Feet

Zoning: The area is zoned M-3

Surroundings: The surrounding properties are zoned M-3.

Reason for Request: Not stated

Neighborhood Assoc.: Memorial Park

Neighborhood Plan: No comment

Landscape: No comment

Comprehensive Plan: No comment

Planning Staff Discussion:

This alley has already been partly vacated, at the northern end. The petitioners state that they are the only abutting owners, and that the alley is not necessary to ingress or egress to any other property.

The alley is unopened and unimproved at this time, and its vacation would have a very minimal impact on the surroundings. We do not feel that it is necessary to the continued growth of the City, and, in fact, the City may benefit more from its vacation.

Recommendation: Do Pass, subject to providing utility easements as needed.

1) The alley is not improved, and is not necessary to continued growth.

2) No other property would be impacted by the vacation.

3) The benefit that the City would receive from future taxes appears to outweigh any need for continued maintenance of this right-of-way.

RESOLUTION 77-243-10

WHEREAS, OMNI-SOURCE CORPORATION an Indiana Corporation has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following alley situated in Fort Wayne, Allen County, to-wit:

Alley, 12 feet wide 254 feet long, running northward from the northern boundary of Jefferds Avenue in Lincoln Highway Park Addition, to the City of Fort Wayne, along the western boundaries of Lots Numbered 114 through 119 inclusive.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-4-512; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said vacation of dedicated alley has been routed through the following departments: Street Engineering, Traffic Engineering, Water Pollution Control Engineering, Electrical Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Works that the vacation of said dedicated alley hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.

BE IT FURTHER RESOLVED by the Board of Public Works that the vacation of said alley hereinbefore described be and the same is hereby approved subject to easements as required by all public utilities occupying and using said portion of public alley or part thereof for the vacation and operation of its utility facilities shall not be deprived of said use on account of these proceedings unless any said utilities shall file a written consent to said vacation.

STATE OF INDIANA)

) SS:

COUNTY OF ALLEN )

I, Angela S. Derheimer, Director of the Board of Public Works, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the Fort Wayne Board of Public Works at their meeting held

March 9, 1988 and as same appears of record in the official records of the Board of Public Works.

DATED THIS 9<sup>th</sup> DAY OF March 1988

FORT WAYNE BOARD OF PUBLIC WORKS

Angela S. Derheimer  
Angela S. Derheimer  
Director of Public Works

Robert E. Love  
Robert E. Love  
Director of Public Safety

C. David Silletto  
C. David Silletto  
Director of Administration & Finance

## RESOLUTION

WHEREAS, OMNI-SOURCE CORPORATION an Indiana Corporation has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following dedicated alley in Fort Wayne, Allen County, to-wit:

Alley, 12 feet wide 254 feet long, running northward from the northern boundary of Jefferds Avenue in Lincoln Highway Park Addition, to the City of Fort Wayne, along the western boundaries of Lots Numbered 114 through 119 inclusive.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of 1963 of the General Assembly of the State of Indiana, Indiana Code, Section 36-7-4-512.

WHEREAS, notice of such public hearing has been given by due and proper publication thereof; and,

WHEREAS, said public hearing was held on February 22, 1988 at 7:00 P.M. and at such hearing there were no objections of any kind or character which should prevent the vacation of said dedicated alley.

WHEREAS, said vacation of dedicated alley has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Street Light Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated alley hereinbefore described conforms to the general policy pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana:

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated alley hereinbefore described be and the same is hereby approved.

BE IT FURTHER RESOLVED no public utility occupying and using said dedicated alley or part thereof for the vacation and operation of its utility facilities shall be deprived of said use on account of these proceedings unless any said utility shall file a written consent to said vacation.

BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of said dedicated alley in Allen County, Indiana.

STATE OF INDIANA )  
 ) SS:  
COUNTY OF ALLEN )

I, Robert Hutner, Secretary of the Fort Wayne City Plan Commission, do hereby certify that attached is a full true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission held 29 February 1988, and as the same appears of record in the official records of said Plan Commission.

DATED THIS 8th DAY OF March 1988

FORT WAYNE, CITY PLAN COMMISSION

Robert Hutner  
Secretary



March 9, 1988

President of the Common Council  
City of Fort Wayne, Indiana

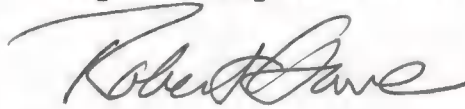
Gentlemen and Mrs. Bradbury:

Attached herewith are authenticated copies of the Board of Public  
Safety Regulatory Resolution Numbers:

13/88/E

For the purpose of enforcement, please make this communication  
and the attached Regulatory Resolution(s) a matter of record and  
incorporate them into the minutes of the next Common Council  
meeting.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Robert H. Lane". The signature is fluid and cursive, with a large initial "R" and "L".

, Chairman  
Board of Public Safety

R E T U R N    C E R T I F I C A T E

(Regulatory Resolution No. 13/88/E

I hereby certify that I did this 9th. day of March, 1988 deliver to each, the City Traffic Engineer, the Chief of Police, the City Attorney, the City Clerk and the President of the Common Council of the City of Fort Wayne, Indiana respectively, a copy of the within Regulatory Resolution No. 13/88/E, of the Board of Public Safety of the City of Fort Wayne, duly certified by me as Chairman of said Board, in accordance with the provisions of Section 17-4 of Chapter 17, of the Code of the City of Fort Wayne, Indiana 1986.



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CHAIRMAN, BOARD OF PUBLIC SAFETY

REGULATORY RESOLUTION NO. 13/88/ E

(Adopted March 9, 19 88)

WHEREAS, Section 17-4, Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1974 authorizes the Board of Public Safety to make temporary or experimental regulations to cover special conditions; and,

WHEREAS, a special condition has arisen justifying the Temporary Experimental Regulation hereinafter ordered, with regard to:

SPEED LIMIT 40 M.P.H. (EMERGENCY)

SPEED LIMIT 25 WHEN CHILDREN PRESENT (EMERGENCY)  
DELETE:

SPEED LIMIT 45 (EMERGENCY)

SPEED LIMIT 30 (EMERGENCY)

\_\_\_\_\_  
\_\_\_\_\_; and,

WHEREAS, the City Traffic Engineer has, by written memorandum dated February 29, 19 88, submitted to this Board his advice with regard to the regulation herein adopted, which written memorandum is on file in the office of this Board;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

That, pursuant to the authority granted to this Board by Section 17-4 of Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1974 to make temporary or experimental regulations to cover special conditions, it is hereby ordered, effective:

March 9, 19 88, and for a period of sixty (60) days thereafter, and when signs are erected pursuant hereto giving notice thereof, that the FOLLOWING IS ESTABLISHED:

SPEED LIMIT 40 M.P.H. (EMERGENCY)

Ardmore Avenue

from 200' south of  
Elmhurst Dr. to Lower  
Huntington Road

SPEED LIMIT 25 WHEN CHILDREN PRESENT (EMERGENCY)

Ardmore Avenue

from 200' north of  
Sandpoint Rd. to 200'  
south of Elmhurst Dr.



DELETE:

SPEED LIMIT 45

(EMERGENCY)

Ardmore Avenue

from 200' south of  
Elmhurst Dr. to Lower  
Huntington Road

SPEED LIMIT 30

(EMERGENCY)

Ardmore Avenue

from 200' south of  
Sandpoint Rd. to 200'  
south of Elmhurst Dr.

March 16, 1988

President of the Common Council  
City of Fort Wayne, Indiana

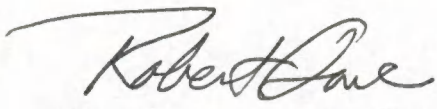
Gentlemen and Mrs. Bradbury:

Attached herewith are authenticated copies of the Board of Public  
Safety Regulatory Resolution Numbers:

14/88/D, 15/88/E

For the purpose of enforcement, please make this communication  
and the attached Regulatory Resolution(s) a matter of record and  
incorporate them into the minutes of the next Common Council  
meeting.

Respectfully submitted,

 , Chairman  
Board of Public Safety

R E T U R N    C E R T I F I C A T E

(Regulatory Resolution No.    14/88/D  
   15/88/E

I hereby certify that I did this 16th. day of March, 1988 deliver to each, the City Traffic Engineer, the Chief of Police, the City Attorney, the City Clerk and the President of the Common Council of the City of Fort Wayne, Indiana respectively, a copy of the within Regulatory Resolution No. 14/88/D, 15/88/E, of the Board of Public Safety of the City of Fort Wayne, duly certified by me as Chairman of said Board, in accordance with the provisions of Section 17-4 of Chapter 17, of the Code of the City of Fort Wayne, Indiana 1986.



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CHAIRMAN, BOARD OF PUBLIC SAFETY



REGULATORY RESOLUTION NO. 14/88/D

(Adopted March 16, 1988)

WHEREAS, Section 17-4, Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986 authorizes the Board of Public Safety to make regulations to carry out its delegated authority thereunder; and,

WHEREAS, Section 17-31 of said chapter delegates to this Board authority to \_\_\_\_\_

PREFERENTIAL INTERSECTION (DELEGATED)

\_\_\_\_\_; and,

WHEREAS, the City Traffic Engineer has, by written memorandum dated March 11, 19 88, submitted to this Board his advice with regard to the regulation hereinafter adopted, which written memorandum is on file in the office of this Board:

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA

That, pursuant to the authority delegated to this Board by Section 17-31 of Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986, it is hereby ordered, effective

March 16, 19 88, and when signs are erected pursuant hereto giving notice thereof, that the FOLLOWING IS ESTABLISHED:

PREFERENTIAL INTERSECTION (DELEGATED)

Smith Street                      --Preferential--                      at Southview Drive

REGULATORY RESOLUTION NO. 15/88/ E

(Adopted March 16, 19 88)

WHEREAS, Section 17-4, Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1974 authorizes the Board of Public Safety to make temporary or experimental regulations to cover special conditions; and,

WHEREAS, a special condition has arisen justifying the Temporary Experimental Regulation hereinafter ordered, with regard to:

STOP INTERSECTION (EMERGENCY)

DELETE: STOP INTERSECTION (EMERGENCY)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_;

WHEREAS, the City Traffic Engineer has, by written memorandum dated March 15, 19 88, submitted to this Board his advice with regard to the regulation herein adopted, which written memorandum is on file in the office of this Board;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

That, pursuant to the authority granted to this Board by Section 17-4 of Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1974 to make temporary or experimental regulations to cover special conditions, it is hereby ordered, effective:

March 16, 19 88, and for a period of sixty (60) days thereafter, and when signs are erected pursuant hereto giving notice thereof, that the FOLLOWING IS ESTABLISHED:

STOP INTERSECTION (EMERGENCY)

The east/west alley between Fourth Street and Third Steet and Barthold Street and Wells Street	--Stop--	for the north/south alley west of Wells Street between Fourth Street and Third Street
--	----------	---

DELETE:  
STOP INTERSECTION (EMERGENCY)

The first north/south alley west of Wells Street between Fourth Street and Third Street	--Stop--	for the east/west alley between Fourth Street and Third Street and Barthold Street and Wells Street
---	----------	---